

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

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Tonia Denise Jackson,

Plaintiff,

v.

Sterling Staffing Solutions,

Defendant.

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: Civil Action No.: 4:19-cv-2187  
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: **COMPLAINT**  
: **JURY**  
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For this Complaint, the Plaintiff, Tonia Denise Jackson, by undersigned counsel,  
states as follows:

**JURISDICTION**

1. This action arises out of Defendant's repeated violations of the Telephone Consumer Protection Act, 47 U.S.C. § 227, et seq. (the "TCPA").
2. Venue is proper in this District pursuant to 28 U.S.C. § 1391(b), in that the Defendant transacts business in this District and a substantial portion of the acts giving rise to this action occurred in this District.

**PARTIES**

3. The Plaintiff, Tonia Denise Jackson ("Plaintiff"), is an adult individual residing in Houston, Texas, and is a "person" as defined by 47 U.S.C. § 153(39).
4. The Defendant, Sterling Staffing Solutions ("Sterling"), is a Texas business entity with an address of 14140 Southwest Freeway, Suite 100, Sugar Land, Texas 77478, and is a "person" as defined by 47 U.S.C. § 153(39).

**FACTS**

5. In 2017, Sterling started calling and texting Plaintiff's cellular telephone, number 832-xxx-3772.

6. At all times mentioned herein, Sterling contacted Plaintiff using an automated telephone dialer system ("ATDS" or "predictive dialer") and/or by using an artificial or prerecorded voice.

7. When Plaintiff answered the calls from Sterling, she heard a prerecorded message instructing Plaintiff to hold for the next available representative.

8. In addition, Sterling sent Plaintiff automated text messages.

9. During a live conversation in or around June 2018, Plaintiff demanded that all calls and texts to her cease immediately.

10. Moreover, on June 1, 2018, Plaintiff sent an email to Sterling requesting that all communications with her stop. Sterling responded to Plaintiff's email.

11. Nonetheless, Sterling continued to place automated calls and text messages to Plaintiff's cellular telephone.

**COUNT I**

**VIOLATIONS OF THE TCPA – 47 U.S.C. § 227, ET SEQ.**

12. The Plaintiff incorporates by reference all of the above paragraphs of this Complaint as though fully stated herein.

13. At all times mentioned herein and within the last four years, Defendant called Plaintiff on her cellular telephone using an ATDS or predictive dialer and/or by using a prerecorded or artificial voice.

14. Defendant continued to place automated calls to Plaintiff's cellular telephone after being directed by Plaintiff to cease calling and knowing there was no consent to continue the calls. As such, each call placed to Plaintiff was made in knowing and/or willful violation of the TCPA, and subject to treble damages pursuant to 47 U.S.C. § 227(b)(3)(C).

15. The telephone number called by Defendant was and is assigned to a cellular telephone serviced by T-Mobile for which Plaintiff incurs charges for incoming calls pursuant to 47 U.S.C. § 227(b)(1).

16. Plaintiff was annoyed, harassed and inconvenienced by Defendant's continued calls.

17. The calls from Defendant to Plaintiff were not placed for "emergency purposes" as defined by 47 U.S.C. § 227(b)(1)(A)(i).

18. Each of the aforementioned calls made by Defendant constitutes a violation of the TCPA.

19. Plaintiff is entitled to an award of \$500.00 in statutory damages for each call placed in violation of the TCPA pursuant to 47 U.S.C. § 227(b)(3)(B).

20. As a result of each call made in knowing and/or willful violation of the TCPA, Plaintiff is entitled to an award of treble damages in an amount up to \$1,500.00 pursuant to 47 U.S.C. § 227(b)(3)(B) and 47 U.S.C. § 227(b)(3)(C).

#### **PRAYER FOR RELIEF**

**WHEREFORE**, the Plaintiff prays that judgment be entered against Defendant:

- A. Statutory damages of \$500.00 for each violation determined to be negligent pursuant to 47 U.S.C. § 227(b)(3)(B);

- B. Treble damages for each violation determined to be willful and/or knowing pursuant to 47 U.S.C. § 227(b)(3)(C);
- C. Such other and further relief as may be just and proper.

**TRIAL BY JURY DEMANDED ON ALL COUNTS**

Dated: June 18, 2019

Respectfully submitted,

By /s/ Jody B. Burton

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